

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIAMIN ZENG *a/k/a* “AIMEE ZANE,

Plaintiff,

-against-

**DECLARATION OF
JEFFREY F. FRANK, IN
FURTHER SUPPORT OF
DEFENDANTS’ MOTION TO
DISMISS**

THE CITY OF NEW YORK, DETECTIVE DANIELLE
FEBUS [RANK FY2000], INSPECTOR JOHN CHELL,
DETECTIVE GARY DENEZZO [RANK FY2000],
SERGEANT GEORGE TAVERES (#5354), POLICE
OFFICER IRWIN LUPERON (SHIELD NO. 27763),
POLICE OFFICER ERLENE WILTSHIRE (SHIELD NO.
#24340), *and* POLICE OFFICER CHRISTOPHER
ROBLEY (#23263), *both in their individual and
professional capacities,*

19-CV-3218 (JGK) (KHP)

Defendants.

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JEFFREY F. FRANK, an attorney duly admitted to practice in the State of New York, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney representing Defendants City of New York, Gary DeNezzo, Danielle Febus, Erlene Wiltshire, and Irwin Luperon (hereinafter “Defendants”) in the above-referenced action. As such, I am familiar with the facts stated below and submit this declaration to place the relevant document on the record in further support of Defendants’ Motion to Dismiss the Second Amended Complaint.

2. Annexed hereto as Exhibit “H” is a true and accurate copy of Defendant’s Third Supplemental Disclosures Pursuant to Section 5(A) of the Plan for Certain § 1983 Cases,

dated November 22, 2019, pursuant to which plaintiff learned that Police Officer Christopher Robley prepared NYPD Active Investigation Card for Complaint No. 2017-075-00627 — a copy of which plaintiff attached as Exhibit “B” to the Second Amended Complaint, Docket Entry No. 68, at page 43.

Dated: New York, New York
October 1, 2021

GEORGIA M. PESTANA
Corporation Counsel of the City of New York
*Attorney for Defendants City of New York, Gary
DeNezzo, Danielle Febus, Erlene Wiltshire, and
Irwin Luperon*
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Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
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